

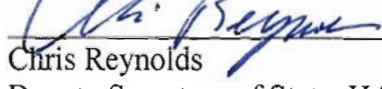


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September 9, 2008

County Clerk/Registrar of Voters (CC/ROV) Memorandum #08273

TO: All County Clerks/Registrars of Voters

FR: 
Chris Reynolds
Deputy Secretary of State, HAVA Activities

RE: Help America Vote Act (HAVA) Voter Education, Poll Worker Training

The contract between the counties and the Secretary of State that provides money to buy or upgrade voting systems to comply with HAVA Section 301, also allows counties to use funding for the necessary and associated costs of voter education and poll worker training, provided that a county has submitted poll worker training and voter education plans in accordance with the contract.

As counties have achieved compliance with Section 301 voting system standards, the proportion of claims submitted largely for reimbursement of poll worker training and voter education expenses has grown. Some of the claims submitted include requests for reimbursement of expenses that are for normal, ongoing election expenses that pre-date HAVA requirements. We have been clear that such expenses are not allowable under HAVA.

HAVA mandates are complex and multi-faceted. To successfully meet the mandates, counties needed to make an initial investment in poll worker training and voter education. This increased cost of making changes in policy and procedures to train poll workers and to educate voters was a necessary component of implementing HAVA, and was considered allowable as a reimbursable expense, particularly as these requirements are minimum requirements per Section 304.

As of the June 2008 Statewide Primary, counties should have made the necessary adjustments in procedures and incorporated them into the normal, ongoing process of administering elections. Please be aware that under HAVA, we will continue to closely scrutinize claims to ensure that reimbursement is provided only for necessary, allowable expenses associated with meeting HAVA mandates. Costs for ongoing expenses are not allowable, even when some proportion of such costs may have been approved in the 2006 election cycle and again in the February 2008 Presidential Primary to allow for changes necessitated by required voting system changes.

To assist you in your efforts, and to avoid any confusion that may lead a county to incur costs it otherwise might not incur, this memo reiterates the most basic guidelines on reimbursable expenses.

- Federal HAVA funding cannot supplant pre-existing state or local expenditures, even when HAVA includes such a mandate. For instance, the costs of administering provisional voting rights are not reimbursable because provisional voting rights in California pre-date the mandate found in Section 302.
- Reimbursable expenses must be closely tied to HAVA requirements, so that funding directly relates to addressing HAVA mandates. The HAVA Title III mandates, for which funding is provided, can be found in HAVA sections 301 and 302. (Section 303 requirements are being addressed with the current interim solution and via the planned VoteCal project.)
- The content of poll worker training and voter education programs submitted under this contract must directly address HAVA mandates.
- If the cost can be associated with a normal, ongoing task of administering elections, such as poll worker training, only the incremental cost of the training that directly addresses HAVA mandates are allowable. Again, the initial cost of adapting training programs to HAVA mandates should have been met, and funding for an ongoing cost previously approved, such as updating poll worker training materials, will not be considered allowable.

If the county is undertaking new, innovative programs that address HAVA issues discovered during the course of previous elections that warrant additional attention, those costs will be considered. Upgrades to improve poll worker training techniques on HAVA requirements, such as implementing on-line training or producing DVDs or other home-training supplements will be reimbursable insofar as they actually assist poll workers to better understand and implement HAVA requirements.

These points have been made numerous times over the course of the Secretary of State's administration of the HAVA program, including information provided to counties at the New Law workshop in December of 2007.

Should you have any questions about this information, please contact me at (916) 651-7837 or Kaye Kaufman at (916) 657-2376.

Thank you.